



**PLATEAU STATE
INFRASTRUCTURE PROMOTION
AND REGULATORY AGENCY**

PUBLIC PRIVATE PARTNERSHIP

POLICY AND GUIDELINES

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December 2021

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Schedule 1

TRANSITIONAL GUIDELINES ON PPP PROCUREMENT

DEFINITIONS

MDA	Means any Plateau State Government of Nigeria Ministry, Department or Agency that proposes, initiates or undertakes a PPP arrangement.
Project Viability	Means the ability of the project to generate sufficient return on investment for the private sector without placing an undue burden on users and the Government.
State	Means Plateau State Government of Nigeria
State Development Plan	Means the Plateau State Sector Strategic (Development) Plan.
Stakeholder	Means any person, group or organization that affects or can be affected by or has a vested interest in a PPP project.
Unsolicited Proposal	Means a PPP proposal submitted by a private sector proponent who is not in response to an MDA or PPP Agency advertisement or request for proposal.
Value for Money	Means an assessment of the whole life cycle cost of a PPP Project considering the risks to be transferred.

ABBREVIATIONS

PPP	Public-Private Partnership
MDA	Ministry, Department or Agency
PLSG	Plateau State Government of Nigeria
EOI	Expression of Interest
VfM	Value for Money

PART I INTRODUCTION, SCOPE & APPLICATION

- 1) Following several years of neglect and underinvestment, Plateau State (“PLSG”) suffers severe infrastructure deficit which in turn has stagnated the economic growth and development of the State.
- 2) PLSG believes that private sector participation will help the Government achieve its infrastructure development objectives by bringing technical expertise, finance, management capabilities and private sector efficiencies to the delivery of public amenities and services.
- 3) Accordingly, PLSG has identified Public-Private Partnerships as a means of achieving its infrastructure development objectives.
- 4) The Plateau State Public-Private Partnership (PPP) Policy shall apply to all procurement of goods, works, and services carried out by the PLSG and all approved procurement entities within the State under a partnership scheme with the private sector otherwise referred to as Public-Private Partnership (PPP).
- 5) Public-Private Partnership means the performance by a Private Proponent of the specified functions of a Ministry, Department or Agency in relation to the design, construction, financing, operation or maintenance of an asset or service.

PART II GOVERNMENT COMMITMENT

- 6) In the past, key physical, social and in some cases commercial infrastructure across the State – such as roads, power installations, water, etc – were not only financed by public funds but were also managed and operated by Ministries, Departments and Agencies (“MDAs”). However, lack of adequate continuous investment and weak facility management resulted in the progressive deterioration of these infrastructure and poor quality, in service delivery over the years. Their current state does not reflect the needs of the public whom they are meant to serve.
- 7) In addition, due to poor planning, inefficiency, lack of transparency and accountability, the costs associated with running, improving, replacing and acquiring fresh infrastructure assets and services have been much greater than expected. There have also been conflicts between the role of government in regulating services and enforcing compliance and its role in providing the services itself. The management of these services has frequently been made more difficult by inadequate budgets.

- 8) Public Private Partnership addresses these conflicts, the social and economic costs of delay in project delivery and lack of adequate funding to properly maintain assets by separating the government's role as the client or regulator from the role of the operator or service provider.
- 9) The Plateau State Government intends to address the State's infrastructure deficit and improve the quality of public services through a comprehensive development programme that incorporates Public-Private Partnerships in delivering key physical and commercial infrastructure projects and the required investment in Human Capital Development through improved social infrastructure in education, health and other social sectors across the state.
- 10) The Plateau State PPP Agency has been established under the Agency of the Executive Governor and charged with the responsibility for coordinating and centrally processing PPPs in Plateau State.
- 11) This policy statement sets out the processes and procedures to be applied by the Plateau State Government to enhance the use of Public Private Partnership to address infrastructure development needs and improve public services in a sustainable way.

PART III ESTABLISHMENT OF PLATEAU STATE INFRASTRUCTURE PROMOTION AND REGULATORY AGENCY (PUBLIC-PRIVATE PARTNERSHIP)

- 12) There is hereby established an Agency to be known as the Public-Private Partnership Agency (herein after referred to as 'PPP Agency').
- 13) Definition of Public Private Partnership "A long term contract between a public party and a private party for the development (or significant upgrade or renovation) and management of a public asset (including potentially the management of a related public service), in which the private party bears significant risk and management responsibility throughout the life of the contract, provides a significant portion of the finance at its own risk, and remuneration is significantly linked to performance and/or the demand or use of the asset or service so as to align the interests of both parties.

- 14) The Agency shall consist of a Director General who will be the Chief Executive Officer, administrative staff and a technical team employed by the PPP Agency to man the strategic units and functions within the organisational structure.
- 15) The functions of the PPP Agency shall be as follows:
- a. Prepare and develop strategic master plan for PPPs for Plateau State;
 - b. Ensure that PPP projects entered into by PLSG are well planned, sustainable and generate good value for the public;
 - c. Provide guidance and technical assistance to the MDAs in the development and procurement of PPP projects from initiation through procurement to financial close;
 - d. Advise the Governor on matters relating to the development of infrastructure assets through PPP. Specifically this involves making recommendations on the acquisition and use of land or related assets required for such purposes;
 - e. Ensure that State projects go through a rigorous independent appraisal as to their economic and financial viability before the project commencement;
 - f. Ensure that procurements are carried out using acceptable/approved competitive and transparent processes;
 - g. Ensure compliance with the terms and conditions of concession agreements by the concessionaires;
 - h. Carry out research on the state of public infrastructure and report to the Governor;
 - i. Ensure that PPP implementation comply with best practices following the principles below:
 - Ensure that investments are prioritised to maximise economic benefits;
 - Costs will not place a burden on future generations and can easily be funded from economic growth;
 - The benefits of the investment are broadly spread across society and will help to reduce poverty;
 - The interest of the communities and the users of public services shall be paramount; and
 - The quality of the environment shall be improved for everyone.

PART IV POLICY OBJECTIVES

PLSG's objectives for PPPs are as follows:

16) Economic Objectives

- i) To accelerate investments in new infrastructure and ensure the renewal or upgrade of existing infrastructure to meet satisfactory standards capable of providing services that meet the needs and aspirations of the public;
- ii) To boost the local economy by attracting international and domestic investors in public infrastructure, promoting efficiency, innovation and flexibility in a cost-efficient manner;
- iii) To ensure that infrastructure projects are planned, prioritised and managed to maximise economic returns and are delivered in a timely, efficient and cost-effective manner;
- iv) To efficiently utilise State resources for the benefit of users of public services;
- v) To develop urban regeneration schemes that will redevelop old government owned assets and properties within the state capital;
- vi) To ensure that all investment projects provide value for money and that the costs to government are affordable;
- vii) To develop more reliable public services by deploying private sector skills in project financing, risk management, project planning and the use of new technologies and innovation thereby ensuring greater value for money in the provision of public infrastructure;
- viii) To improve the availability, quality, and efficiency of agriculture, mining, power, water, real estate, transport and other public services in order to increase economic growth, productivity, competitiveness, and access to markets.

17) Social Objectives

- i) To ensure balanced and progressive state development in line to the regional and national development plans;
- ii) Increase access to quality public services for all Plateau State citizens residents and visitors;
- iii) To enhance the employment generation potential and diversity of the state economy;
- iv) To cater for and address the needs of vulnerable groups and promote gender equality or gender related issues;

- v) To encourage the direct or indirect participation of small and medium sized enterprises in PPP projects;
- vi) Enhance the security and safety as well as, health and wellbeing of the general public.

18) Environmental Objectives

- i) To protect and enhance the natural environment;
- ii) To enhance opportunities for clean and resilient growth;
- iii) To promote and enhance urban regeneration schemes that will give an uplift to old Jos metropolis

PART V THE ENABLING ENVIRONMENT

PLSG is responsible for establishing a sound enabling environment for PPPs, meaning that transparent and effective PPP legal and institutional frameworks are in place. The government shall put in place a legal, financial and institutional framework that will promote and facilitate the implementation of privately financed infrastructure projects by enhancing transparency, accountability, fairness and long-term sustainability of projects identified by the agency in collaboration with the relevant public authorities, for decisions relating to development and final approval of the PPP Projects Pipeline.

Legal Framework

- 19) PLSG will propose amendments to existing legislation and/or propose new legislation which shall:
- i) Establish and mandate the PPP Agency to advise the Plateau State Government (PLSG) and its MDAs on the identification, procurement and implementation of PPP projects;
 - ii) The Agency will be responsible for the development of its PPP policy and refinement over time;
 - iii) Enable the Agency be the key driver and promoter of PPP projects and be managing the PPP project life cycle, not as a contracting entity, but as the Government advisory and coordinating body for the implementation of PPPs;
 - iv) Coordinate with the relevant MDAs to conduct the economic appraisal, planning, prioritisation of infrastructure projects and investment to create a pipeline of PPP projects;

- v) Warehouse PLSG's stake in PPP arrangements and develop a data room to capture all relevant economic and statistical data that will enable private participants gain access to knowledgeable insights on the investment opportunities in the state;
- vi) Regulate PPPs in the State generally on behalf of both public and private parties;
- vii) Provide for transparent, efficient and competitive procurement procedures for PPP projects;
- viii) Provide appropriate remedies for protecting the safety and integrity of public infrastructure from vandalism and other criminal activity;
- ix) Ensure that there are no distortions created by existing tax, banking, company or any other laws that would bias the investment decisions of public authorities for or against PPP as a procurement option, or would distort the commercial decisions of PPP investors, contractors or operators.

Financial Framework

20) The PPP Agency will advise PLSG in:

- i) Developing an investment strategy that will serve as planning tool for the development of infrastructure to be financed under PPP arrangements;
- ii) Ensuring that its policies on user charges and tariff subsidies is sustainable and meets the needs of both investors and users;
- iii) Developing procedures to evaluate any contingent liabilities and risks that arise from PPP contracts and any sub sovereign or other guarantees, partial risk insurance, subsidies or exchange rate volatilities;
- iv) Issue guidance to all public authorities and provide support and advice on discount rates, indexation and inflation, techniques for measuring costs and benefits and the valuation of risks;
- v) Achieving Value-for-Money in structuring financial aspects of PPP projects.

Institutional Framework

21) PLSG will ensure that MDAs have access to appropriate guidance, training, expertise, institutional framework that will reinforce the accountability of the MDAs for the delivery of public service whilst ensuring that they have access to appropriate expertise and resources

to plan, procure and manage investment projects and public services efficiently and effectively;

- 22) PLSG shall also ensure that MDAs benefit from technical and managerial skills and knowledge transfer to improve the ability of MDAs to manage other State-owned assets that are not viable for PPP.

PART VI ROLES AND RESPONSIBILITIES

The following PLSG entities shall have the following roles in the development, approval, implementation and supervision of PPPs:

State Ministries, Departments, Agencies, Local Government etc

- 23) MDAs shall:
- a. Except for special cases under special procurement methods, the MDAs shall be responsible for the identification and documentation of PPP proposals originating from their sectors;
 - b. Forward to the Agency any Unsolicited Proposals submitted to it directly by private parties for preliminary assessment
 - c. Ensure that the PPP proposals are in line with the Plateau State Development Strategy Plans and /or Pillar policy of the MDA;
 - d. Appoint an Officer of no less than Director Level as project Officer who will be responsible for the project and shall also act as a liaison between the Public Authority and the PPP Agency.
- 24) Where a PPP may involve more than one MDA, the MDAs may select one of them or the proposing MDA to be the lead MDA for the Project and all communications, applications and representations with other stakeholders shall be undertaken by the lead MDA.

PPP Agency / Governing Board

- 25) The PPP Agency shall:-
- a. Act as the State's PPP resource centre and shall advise the Governor and the State Executive Council on the implementation of the PPP Policy, planning, execution and regulation.
 - b. Prequalify and appoint external transaction advisers for the preparation of project business cases, the procurement process, negotiation and transaction documentation.
 - c. Provide guidance and technical assistance to the MDAs in the development and procurement of PPP projects.

- d. Ensure effective stakeholder engagement allowing for public consultation on user charges and assess market interest.
 - e. Regulate pricing and competition issues via PPP contracts and be the initial body to settle disputes;
 - f. Build capacity for PPPs across the state and promote good practise and knowledgeable sharing with MDAs and the private sector, and serve as a “PPP Knowledge Center.”
- 26) The PPP Agency shall be allocated an enabling budget to fund project preparation and procurement, particularly the costs of external project advisers and internal resource experts.
- 27) Where project development costs are to be passed directly to the winning bid during the procurement process, the PPP Agency shall warehouse the provisions for project development and shall offset these costs against the deposit of the winning bid in the procurement process.
- 28) The PPP Agency shall be responsible for reviewing the principles of proposed PPPs and process all necessary approvals at various stages of the PPP cycle.
- 29) The PPP Agency shall form a Project Steering Committee for each PPP, which shall be constituted by representatives of the relevant MDAs or as approved by the Governing Board.

Governor / EXCO

- 30) The Governor/State Executive Council shall be responsible for approving the award of a PPP contract on the recommendation of the PPP Agency subject to the approval threshold in operation at the time of award.

Ministry of Finance

- 31) The State Ministry of Finance shall:
- a. ensure that any contingent liabilities are manageable within the Government's economic and fiscal forecasts.
 - b. Play an important role in public financial management of PPP projects, and in evaluating and managing fiscal risks that may result from PPP agreements.
 - c. be consulted in advance by the MDA and/or the PPP Agency if they are considering the involvement of multilateral agencies such as International Finance Corporation (IFC), Multilateral Investment Guarantee

Agency (MIGA) or International Development Agency (IDA) in providing guarantees or other financial instruments.

Ministry of Budget and Planning

- 32) The Ministry of Budget and Economic Planning shall:
- a. advise on budgeting and accounting for PPP projects to ensure that forecast costs – including any subsidies that may be required to make a project financially viable.
 - b. Ensure that there is better coordination and planning of infrastructure investment and greater use of economic appraisal techniques to prioritise investment.
 - c. establish a project development fund budget sub-head for the PPP Agency. This fund shall be applied to meet project development costs including payments for consultancy, advisory, feasibility studies, etc which may be partly or wholly reimbursed from the project funding as part of pre-operational expenses for reimbursement or capitalised as equity.

Accountant General

- 33) The Office of the Accountant General of the State shall ensure that funding for payment obligations and the project development fund are set aside subject to appropriate executive approval. In some instances, this may require the establishment of escrow accounts under the management of agreed independent parties.

Ministry of Justice

- 34) The Ministry of Justice of the State shall be responsible for the approval of all PPP contracts and shall perform this task as an integral member of the Governing Board and through the representatives of the Ministry who shall provide competent and experienced PPP legal support to the Agency during the PPP procurement process.

Federal Government

- 35) The Federal Government is responsible for delivery of Federal Infrastructure and PLSG will continue to work with the relevant Federal MDAs to ensure that investment is directed to developing and improving those Federal Infrastructure assets located within the State. PLSG will also invest directly alongside other private investors, where appropriate and by agreement with the Federal Government, in support of projects to improve the availability of infrastructure when this is in the long-term interest of the State.

- 36) PLSG shall take into consideration the concerns of potential private sponsors, users and other key stakeholders over the lack of bankability of PPP projects by consulting with such key stakeholders as early as possible, to solicit their guidance on what is and is not a sustainable, commercially viable project, before final decisions are taken regarding project structure and design. This will assist PLSG in finding a solution to the problem of poorly structured, unsustainable PPP projects.

PART VII PROCUREMENT, IMPLEMENTATION AND MANAGEMENT OF PPP

- 37) Projects that are suitable for PPP and included in the State Development Plan may be proposed by an MDA or the PPP Agency for procurement.
- 38) The PPP Agency will ensure that projects are prioritised based on:
- a. Value for Money
 - b. Needs analysis
 - c. Public service obligation
 - d. Project Viability
- 39) PPP procurement differs from traditional procurement in that the criteria for selection of a preferred bidder and award of contract is typically not based on values, but is based on a combination of considerations unique to PPP. Procurement of PPP shall therefore be undertaken in accordance with the provisions of the PPP Procurement Guidelines annexed to this Policy.
- 40) To enable PLSG benefit fully from private sector initiative, innovation and drive, provision is also made for proposals for PPP which have not been advertised or requested for known as Unsolicited Proposals.
- 41) The general stages of a PPP Project are illustrated in Table 1.0 below.

TABLE 1.0

	ACTIVITY	RESPONSIBILITY	APPROVAL
PLANNING	Project Identification		
	1) Project is included in State Development Plan or PPP Project Pipeline	MDA/PPP Agency	Governing Board
	Project Selection		
	2) Pre-feasibility, Value for Money & Affordability Testing	MDA/PPP Agency	N/A
	3) Approval-in-principle obtained		Governor/EXCO
PROJECT FEASIBILITY	Project Inception		
	4) Set-up Project Steering Committee	PPP Agency	Governing Board
	5) Business Transaction Advisers (TA) appointed	PPP Agency	N/A
	6) Initial Business Case prepared <ul style="list-style-type: none"> - Policy Context - Options appraisal - Cost benefit analysis - Confirm procurement route - Stakeholder Engagement - Consider State Guarantee Options - Refine cost estimates & risk valuation 	PPP Agency/TA	Governor / EXCO
PROJECT PROCUREMENT	Project procurement		
	7) Prepare project information memorandum	PPP Agency/TA	N/A
	8) Prepare bid documents	“	“
	9) Advertise projects	“	“
	10) Prequalify bidders	“	“
	11) Issue Requests for proposals	“	“
	12) Evaluate bids	“	“
	13) Select preferred bidder	“	Governor/EXCO
	14) Full Business Case	“	
15) Contract negotiation	“		

	ACTIVITY	RESPONSIBILITY	APPROVAL
CONTRACT AWARD	Contract award and implementation		
	16) Contract award/execution	<i>PSC/PPP Agency</i>	<i>Governor/EXCO</i>
PROJECT OPERATION	Project operation and termination		
	17) Performance Monitoring	<i>PPP Agency</i>	
	18) Asset handover (if appropriate)	“	
	19) Contract close	“	

Contract Negotiation

42) In negotiating the PPP contract with a preferred bidder, the Project Steering Committee or the PPP Agency shall ensure :-

- a. That the duration of the project is not set arbitrarily but is in accordance with PPP principles including the right of the project proponent to recoup costs and reasonable profit from the project, affordability of user fees and the nature and life-span of the project assets amongst others.
- b. That, mechanisms are emplaced in the financial structure of the project to enable the PLSG share in excess revenues from the Project.
- c. That project risks are allocated to the party best able to bear each risk in order to achieve optimum risk allocation.
- d. That appropriate approval is secured before the PLSG is committed to any guarantee, subsidy or other state support.

Contract Implementation and Management

43) The implementation of PPP contracts shall lie primarily with the PPP Agency and the Attorney General, which shall take full responsibility for the success of the project and the handover of the state assets at the end of the project. The MDA shall cooperate with the project proponent towards achieving the objectives of the project.

44) The Procuring MDA/ PPP Agency shall monitor the performance of PPP Contracts to ensure that full benefit is derived from obligations linking performance to payment.

45) The PPP Agency shall make appropriate arrangements to ensure a smooth transition and to ensure that the Department has sufficient familiarity with the obligations under the contract to put in place adequate long-term procedures at the end of a PPP.

Stakeholders

46) PPP projects involve the coming together and interaction of a number of interests and parties. The proposing MDA and the Project Proponent should consult with relevant Stakeholders at appropriate points throughout the procurement process and adhere to best practices in Stakeholder communication and management.

47) Stakeholders should have the opportunity to contribute positively to the development of projects and this partnership approach should be maintained throughout the project's lifetime.

48) Every request for bids advertised should contain a requirement for a Stakeholder Communication and Management Plan.

49) Primary responsibility for ensuring stakeholder consultation takes place rests with the proposing MDA, which should consider any policy issues that may emerge during the process of consultation.

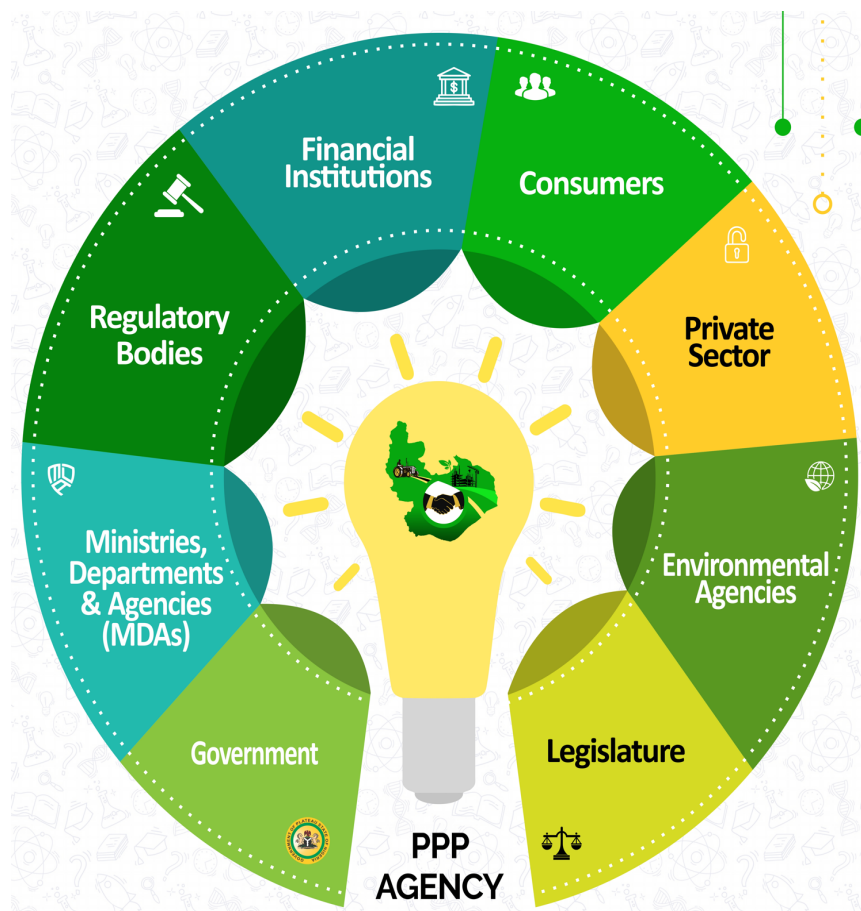


Diagram 1.0

Stakeholders in PPP

Return on Investment; User Fees

- 50) A Procuring MDA may in a PPP Contract, authorize the project proponent, in return for undertaking such obligations as may be specified in the contract with respect to the design, construction, maintenance, operation, improvement or financing of public infrastructure or public assets, to enjoy specific rights as may be stated in the PPP contract including the right to levy, collect and retain service charges, user fees or tolls in respect of the use of the public infrastructure or public assets.
- 51) The procuring MDA shall propose for the approval of the PPP Agency, the service charge, user fees or tolls or any review of same in relation to the use of public infrastructure or public assets. The PPP Agency shall ensure that any service charge or user fees are set with due regard to the ability of users to pay proposed charges and the need for the private proponent to recoup investment in the project.

Special Purpose Vehicles

- 52) The participation of a private proponent in a PPP project shall be through a special purpose vehicle, which shall be the project Company.
- 53) Where the PLSG is a shareholder in a special purpose vehicle incorporated by the private proponent for a PPP or contributes an asset to a PPP project, the following rules shall apply:
 - a. The shares of the PLSG in the special project vehicles shall be warehoused under the Ministry of Finance.
 - b. All agreements between the procuring MDA and the private partner shall be signed by both the special project Company and the Ministry of Finance.

SCHEDULE 1

TRANSITIONAL GUIDELINES ON PPP PROCUREMENT

A. PROCUREMENT METHODS

- 54) PPP may be procured by:
 - a. Open Competitive Bidding
 - b. Special Procurement or Direct Negotiations
 - c. Unsolicited Proposals

B. OPEN COMPETITIVE BIDDING

Open Competitive Bidding shall be conducted as follows:-

- 55) The procuring MDA/PPP Agency shall advertise for Expressions of Interest: the advertisement shall contain a summary of the proposed project.
- 56) The MDA/PPP Agency shall review the Expressions of Interests submitted and shall select pre-qualified bidders based on pre-existing criteria relating to the principles of PPP and the specific requirements of the project.
- 57) The PPP Agency shall issue a Request for Proposals to the pre-qualified bidders, which shall be accompanied by an Information Memorandum with sufficient detail about the project and the objectives of using PPP for the Project.
- 58) Pre-qualified bidders shall submit their Bids to the PPP Agency for evaluation.
- 59) The Project Steering Committee shall review the Bids using pre-existing criteria and guidelines and shall select a preferred bidder and the winning bid shall be the bid that most achieves the technical and economic objectives of the project;
- 60) The following provisions shall apply to bids:
 - a. Every invitation to bid shall be advertised not less than six weeks before the deadline for submission of the bids:-
 - i. in at least two national newspapers
 - ii. on the official website of the State
 - iii. For international bids, in at least two international economic magazines/journals in addition to (i) and (ii) above.

- b. All bids in response to an invitation to open competitive bidding shall be submitted in writing and in addition to any other format stipulated in the tender documents, signed by an official authorized to bind the bidder to a contract and placed in a sealed envelope;
- c. All bids submitted shall be in English language;
- d. The authorised procuring entity shall maintain a log showing the date and time the bid was delivered duly signed by the bidder's representative;
- e. Any bid received after the deadline for the submission of bids shall not be opened and must be returned to the bidder which submitted it;
- f. No communication shall take place between procuring entities and any supplier or contractor after the publication of a bid solicitation other than as provided in this policy.;
- g. The period of validity for a bid shall be the period specified in the tender documents;
- h. Specified timelines shall be stated in the advertisement for Expressions of Interest and the Request for Proposals regarding submission, review and communication of results;
- i. The procuring MDA and the PPP Agency shall ensure that prompt timelines are set for all activities in the bid process and shall endeavour to abide by set timelines.
- j. All bids shall be submitted before the deadline or date specified in the tender documents or any extension of the deadline for submission.
- k. Where applicable, a Request for Proposals shall require bidders to submit a bid security to guarantee their commitment to the bid process and shall stipulate the amount and duration of the bid security.

61) Examination of Bids

All bids shall be first examined to determine if they:

- i) Meet the minimum eligibility requirements stipulated in the bidding documents
- ii) Have been duly signed
- iii) Are substantially responsive to the bidding documents ; and
- iv) Are generally in order.

62) A procuring entity may ask a bidder for clarification of its bid submission in order to assist in the examination, evaluation and comparison of bids: a bidder shall however not make changes to the substance of a bid.

C. SPECIAL PROCUREMENT OR DIRECT NEGOTIATIONS

- 63) The PPP Agency may for the purpose of this Policy, carry out a special procurement for where:
- i) the State is either seriously threatened by or actually confronted with a disaster, catastrophe, war, insurrection or Act of God;
 - ii) the condition or quality of goods, equipment, building or publicly owned capital goods may seriously deteriorate unless action is urgently and necessarily taken to maintain them in their actual value or usefulness;
 - iii) the State Executive Council or the Governor determines that it will be more expedient and/or effective for action to be undertaken to improve infrastructure in any particular sector.
- 64) A special procurement must be recommended by the PPP Agency and approved by the Governor or EXCO;
- 65) All procurements made under special procurement shall be undertaken expeditiously but with due consideration for achieving State objectives of utilizing PPP for infrastructure and economic development;
- 66) In line with Clause N° 56 (iii) above, special procurements may be treated as single source procurement, subject to the approval of the Governor or EXCO.

D. UNSOLICITED PROPOSALS

- 67) Private Proponents may submit Unsolicited Proposals for PPP projects to the PPP Agency or an MDA.
- 68) An Unsolicited Proposal is a proposal submitted to the Plateau State PPP Agency or an MDA which has not been requested or advertised for.
- 69) An Unsolicited Proposal must contain the following information in terms of the proponent and service offered:
- a. The proponent's name, address, registration with CAC, tax clearance certificate and the contact details of its authorized representative;
 - b. An expression of interest;
 - c. A concise title and summary of the proposed project;

- d. A statement of the objectives, approach and scope of the proposed product or service;
 - e. Evidence of the anticipated benefits or cost advantages to the institution including the proposed price or total estimated cost for developing the project in sufficient detail to allow a meaningful evaluation by the PPP Agency;
 - f. The period of time for which the proposal is valid for consideration, which shall not be less than six months.
- 70) The PPP Agency or the Procuring MDA shall review any Unsolicited Proposal to determine if it meets the following requirements:
- a. It contains a feasibility study that is comprehensive and demonstrates a clear business case for the project;
 - b. The project involves an innovative, cost-effective and unique design or approach to developing the infrastructure or providing the service that is the subject of the Unsolicited Proposal.
- 71) An Unsolicited Proposal may be rejected if:
- a. it can be acquired by conventional competitive bidding methods;
 - b. it does not meet or substantially satisfy the criteria for consideration set out in paragraph 62 above;
 - c. Contravenes the provisions of any Law.
- 72) In rejecting an Unsolicited Proposal, the MDA or the PPP Agency must:
- a. Notify the proponent in writing that the Unsolicited Proposal has been rejected;
 - b. Ensure that the government does not make use of any of the intellectual property or proprietary data in the Unsolicited Proposal.
- 73) Where the PPP Agency determines that an Unsolicited Proposal satisfies the requirements in paragraph 59 above, it may take either of the following steps:-
- a. Prepare project documents and proceed with an Open Competitive Bidding from the stage of issuance of Requests for Proposals.
 - b. Proceed with a special procurement as stipulated in Part C of these guidelines.

PPP INVESTMENT CLIMATE

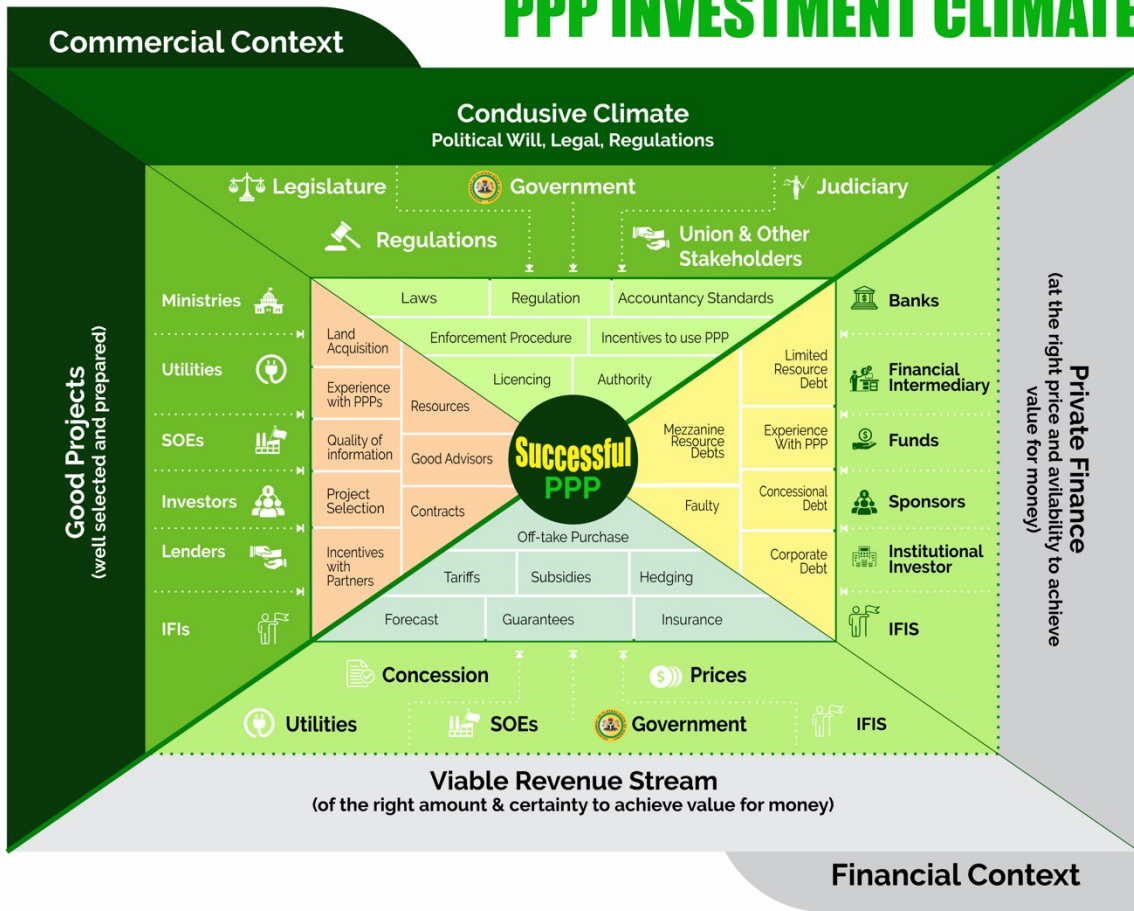


Diagram 2.0 OVERVIEW OF PPP CLIMATE FOR SUCCESSFUL PPP DELIVERY